

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SIX

PITTSBURGH ATHLETIC ASSOCIATION

and

Case 06-CA-067464

UNITE HERE LOCAL 57

RESPONSE TO MOTION FOR SUMMARY JUDGMENT

AND NOW, comes the Respondent, the Pittsburgh Athletic Association by and through its counsel, Litchfield Cavo LLP, and Trisha A. Gill, Esquire, and files the within Response to Motion for Summary Judgment as follows:

1. It is admitted that on or about April 27, 2012 the Board issued a Complaint and Notice of Hearing alleging that this Respondent engaged in unfair labor practices by unilaterally ceasing to remit to the Union contractually required pension contributions to the Hotel Employees Restaurant Employees International Union Pension Fund. It is further admitted that Exhibit "A" is a copy of the Complaint. The Respondent denies that it engaged in unfair labor practices by failing to bargain with the Union.

2. It is admitted that on or about May 10, 2012 the Respondent filed its Answer and the Answer is attached to the Motion as Exhibit "B". Said Answer speaks for itself.

3. It is admitted that in its Answer this Respondent denied the averments in Paragraphs 12 through 14.


4. Paragraph 4 of the Motion for Summary Judgment is admitted in part and denied in part. It is admitted that this Respondent has the financial inability to pay the pension contributions. This financial inability was repeatedly communicated to the

Union continuously during negotiations for a new contract and otherwise. The Respondent avers that a dire financial emergency did exist resulting in the inability to pay the pension contributions. The employer provided more than adequate notice and opportunity to bargain with the Union regarding the Respondent's financial condition. The Respondent avers that due to unforeseen audits and judgments asserted by the Hotel Employees Restaurant Employees International Union's fund regarding health benefits, a financial emergency arose. The Respondent denies that it failed to bargain in good faith with the Union representatives.

WHEREFORE, the Respondent respectfully requests the acting General Counsel to deny the Motion for Summary Judgment in as much as the Board is seeking a determination that the Respondent engaged in unfair labor practices for failing to bargain in good faith within the meaning of §§8(a)(1) and 8(a)(5) and §§2(6) and 2(6) of the Act.

Respectfully submitted,

LITCHFIELD CAVO LLP

A handwritten signature in cursive script, appearing to read "Trisha A. Gill", is written over a horizontal line.

Trisha A. Gill, Esquire

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